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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,263	04/23/2001	Hiroshi Kitada	202308US2X	1527

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ART UNIT	PAPER NUMBER
2194	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/839,263	Kitada,et al.
	Examiner	Art Unit
	George L. Opie	2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will
  be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this
  communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

1) _X_ Responsive to communication(s) filed on _31 March 2006_ .

2a) ___ This action is **FINAL**.   2b) _X_ This action is non-final.

3) ___ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) _X_ Claim(s) _2, 3, 5-20, 22-32, 40 and 42-55_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ___ Claim(s) _____ is/are allowed.

6) _X_ Claim(s) _2, 3, 5-20, 22-32, 40 and 42-55_ is/are rejected.

7) ___ Claim(s) ____ is/are objected to.

8) ___ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ___ The specification is objected to by the Examiner.

10) ___ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ___ The proposed drawing correction filed on _____ is: a) ___ approved b) ___ disapproved.

12) ___ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)_ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

    a) ___ All b) ___ Some * c) ___ None of the CERTIFIED copies of the priority documents have been:

        1. ___ received.

        2. ___ received in Application No. (Series Code / Serial Number) _____.

        3. ___ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ___ Acknowledgement is made of a claim for domestic priority under 35 U.S.C.

Attachment(s)

14) _X_ Notice of References Cited (PTO-892)
15) ___ Notice of Draftsperson's Patent Drawing Review (PTO-948)
16) ___ Information Disclosure Statement(s) (PTO-1449) _____.

17) ___ Interview Summary (PTO-413) Paper No(s). _____.
18) ___ Notice of Informal Patent Application (PTO-152)
19) ___ Other:

DETAILED ACTION

This Office Action is responsive to the Amendment filed 31 March 2006, in which claims 2, 22 and 40 were amended, and Claim 4 was canceled.

1.   Request for copy of Applicant's response on floppy disk:
Please help expedite the prosecution of this application by including, along with your amendment response in paper form, an electronic file copy in WordPerfect, Microsoft Word, or in ASCII text format on <u>a 3½ inch IBM format floppy disk</u>. Please include all pending claims along with your responsive remarks. Only the paper copy will be entered -- your floppy disk file will be considered a duplicate copy. Signatures are not required on the disk copy. The floppy disk copy is not mandatory; however, it will help expedite the processing of your application. Your cooperation is appreciated.

2.   Applicant's copending case 09/684,965 filed October 10, 2000 should be properly referenced in this application. It is requested that this and any such related application be referred to in the first sentence of the specification.

Double Patenting

3.   Obviousness-type double patenting rejection
The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. CIT. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re van Ornurn, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Uogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington,418 F.2d 528, 163 USPQ 644 (CCPA 1969).

4.   A timely filed terminal disclaimer in compliance with 37 C.F.R. ' 1.321(b) would overcome an actual or provisional rejection on this ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 C.F.R. ' 1.78(d).
Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5.   Claim 2 is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of copending application 09/684,965 filed October 10, 2000 in view of Navarre et al. (U.S. 6, 442,611 B1).

Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 2 of the instant application and claim 1 of copending application'965 are both claiming a system for communicating over a protocol; receiving a request; selecting an application service provider; transmitting instructions for performing the transaction request, via the communications network. The difference between claim 2 of the instant application and claim 1 of copending application'965 is that claim 2 of the instant application further recites a document profile. Navarre teaches a document profile (col.4, lines 47-60 and fig. 3). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Navarre and copending application'965 because Navarre's teaching would have provided the capability for efficiently selecting an appropriate service provider to satisfy a request from a user.

As to the remaining claims 3, 5-20, 22-40, and 42-55, they are also rejected under obvious type double patenting as stated in claim 1 above.

6.   This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

7.   Claim Rejections - 35 U.S.C. § 103

        The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 2-3, 5-20, 22-40, and 42-55 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Navarre et al. (U.S. Patent 6,442,611) in view of Miller et al. (U.S. Patent 5,475,819) and Chen et al. (U.S. Patent 6,009,442).

As to claim 2, Navarre teaches (abstract) the invention substantially as claimed including a method for managing applications service provider transactions (transactions) between an ASP (server application) and an ASP user (a client application), comprising:
receiving an ASP transaction request having a user identifier from the user via a communications network (col.2, line 50 - col.3, line 29 and fig. 3);
determining whether a document profile exists for the user identifier (col.4, lns47-60 and fig. 3);

sending to the user a document manager interface screen based on the determination of whether a document profile exists (col.4, lines 58-60); transmitting instructions for performing the transaction request, via the communications network (col.2, lines 50-65; col.3, lines 30-31; and fig.3). Navarre does not explicitly disclose the additional limitations detailed below.

Miller teaches selecting an ASP (col.2, lines 9-25).
It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Miller and Navarre because Miller's teaching would have provided mechanisms to automatically: (1) efficiently map a (flat) name of a service into a set of service providers; (2) customize the mapping of services into service providers based on a user, system, LAN, site, organization, etc. Navarre as modified does not explicitly disclose the additional limitations detailed below.

Chen teaches the document interface management (indexing and retrieving utility 157 and the Universal Resource Locater indexing module, col. 6 lines 12-55 et seq.). It would have been obvious to combine Chen's teachings with Navarre as modified because the data indexing enables the user service utility to efficiently select the desired files, programs and related objects.

As to claim 3, Navarre teaches determining whether a document profile exists comprises determining that a document profile does exist by locating a document profile associated with the user identifier in a memory which is local to a processing device which performs the step of determining whether a document profile exists (col.2, lines 26-49 and col.4, lines 47-60).

As to claim 5, Navarre teaches receiving a document profile selection from the user via the communications network based on a user input to the document profile menu (col.4, lines 47-60).

As to claim 6, Navarre teaches selecting a basic ASP using the document profile selection received (col.2, lines 26-49 and col.3, lines 1-29).

As to claim 7, Navarre teaches determining a document type using the document profile selection received; and selecting the basic ASP that performs services utilized with the document type (col.2, lines 26-49 and col.3, lines 1-29).

As to claim 8, Navarre teaches determining that a document profile does not exist by searching a memory which is local to a processing device which performs the step of determining whether a document profile exists (col.2, lines 26-49 and col.4, lines 47-60).

As to claim 9, Navarre teaches the step of sending a document manager interface screen comprises sending an interface screen including a document type menu (col.4, lines 47-60).

As to claim 10, Navarre teaches receiving a document type selection from the user via the communications network based on a user input to the document type menu (col.4, line 47-col.5, line15).

As to claim 11, Navarre teaches the step of selecting an ASP comprises selecting a basic ASP that performs typical services utilized with the document type selection received (col.3, lines 1-29 and col.5, line 3-15).

As to claim 12, Navarre teaches creating a document profile based on the document type selection received; and storing the document profile in association with a user identifier in a local memory (col.4, lines 47-60 and fig.4).

As to claim 13, Navarre teaches the step of receiving an ASP transaction request comprises receiving a document consultation request from the user (col.2, line 66-col.3, line 29).

As to claim 14, Navarre teaches sending, in response to receiving the document consultation request, a document manager interface screen including a document type menu to the user via the communications network; generating a document type selection from a user input to the document type menu; and receiving the document type selection via the communications network (col.2, line 66-col.3, line 29 and col.4, lines 47-60).

As to claim 15, Navarre teaches the step of selecting an ASP comprises selecting a basic ASP that performs services utilized with the document type selection received (col.2, lines 26-49 and col.3, lines 1-29).

As to claim 16, Navarre teaches creating a document profile based on the document type selection received; and storing the document profile in association with a user identifier in a memory (col.4, lines 47-60 and fig.4).

As to claim 17, Navarre teaches selecting a special service ASP for providing special services independently offered by an ASP (col.3, lines 1-45).

As to claim 18, Navarre teaches receiving a request for a special service from the user via the communications network; and locating in a memory, a special ASP associated with the special service request received (col.3, lines 1-45 and col.4, lines 1-23).

As to claim 19, Navarre teaches receiving an ASP transaction request from the user and transmitting instructions for performing the transaction requested comprise transferring data via the Internet (col.3, lines 1-11).

As to claim 20, a computer readable medium containing program instructions is inherent to the system of Navarre.

Claims 40 and 42-55 are directed to a system for performing the method of claims 2-16, and are similarly rejected under the same rationale.

Claim 22 is also directed to a system for performing the method of claim 1, and is similarly rejected under the same rationale. Claim 22, however, further recites a memory device and a processor. Navarre teaches a memory device and a processor (fig. 1).

As to claims 23-39, note the rejection of claims 3-19 above. Claims 23-39 are the same as claims 3-19, except claims 23-39 are system claims and claims 3-19 are method claims.

9.   The prior art made of record, listed on PTO 892 provided to Applicant is considered to have relevancy to the claimed invention. Applicant should review each identified reference carefully before responding to this office action to properly advance the case in light of the prior art.

10.   Response to Applicant's Arguments:

Applicant's remarks accompanying the amendment filed 31 March 2006, have been considered but are moot in view of the new grounds of rejection necessitated by the amendments to claims 2, 22 and 40.

11.   Contact Information:

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

Status information for published applications may be obtained from either Private-PAIR or Public-PAIR.

Status information for unpublished applications is available through Private-PAIR only.

For more information about the PAIR system, see   http://pair-direct.uspto.gov.

Should you have questions regarding access to the PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

.   All responses sent by U.S. Mail should be mailed to:
        Commissioner for Patents
        PO Box 1450
        Alexandria, VA 22313-1450

.   Hand carried responses should be delivered to the *Customer Service Window* (Randolph Building, 401 Dulany Street, Alexandria, Virginia 22314) and, if submitting an electronic copy on floppy or CD, to expedite its processing, please notify the below identified examiner prior to delivery, so that the Applicant can "handoff" the electronic copy directly to the examiner.

        The Official fax number (571) 273-8300 should be used for any and all facsimile submissions to the Office.

.   Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist at **(571) 272-2100.**

.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Opie at (571) 272-3766 or via e-mail at *George.Opie@uspto.gov.* Internet e-mail should not be used where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the Applicant. Sensitive data includes confidential information related to patent applications.

SUPERVISORY PATENT EXAMINER